

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF INSURANCE**

RULE TITLE: Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes

RULE NO.: 4-141.020

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: To conform the rule to 2002 legislative changes to Section 624.430, F.S. and update procedures for processing requests to withdraw, surrender certificate of authority, or discontinue writing insurance. Deletes references to moratorium phaseout provisions.

SPECIFIC AUTHORITY: 624.308(1), 624.6012 FS.

LAW IMPLEMENTED: 624.307(1), 624.430, 624.6011, 624.6012 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., August 26, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra DuPont, Bureau of Property and Casualty Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes.

~~(1) Scope and Purpose. This rule provides implementation procedures and department policy regarding Section 624.430, Florida Statutes.~~

~~(1)(2) Definitions.~~

(a) “Office Department” refers to the Florida Department of Financial Services, Office of Insurance Regulation Insurance.

(b) “Reduce presence in Florida,” “Reduce,” and “Reduction,” as used in this rule, ~~are inclusive terms meant to collectively refer to any and all of the following actions as may be desired or taken by an insurer:~~

~~1. Surrendering to surrender~~ its Florida certificate of authority;

~~2. Withdrawal to withdraw~~ from Florida; or

~~3. Discontinuing to discontinue~~ the writing of any one or multiple lines or kinds of insurance in Florida.

(c) “Kinds” of insurance, as used in Section 624.430, Florida Statutes, and this rule, are as defined includes the kinds set out in Section 624.6011, Florida Statutes, which kinds of insurance are as follows: Life; Health; Property; Casualty; Surety; Marine; and Title.

(d) “Lines of insurance,” as used in Section 624.430, Florida Statutes, and this rule, are is as defined in Section 624.6012, Florida Statutes. Pursuant to the express rulemaking authority given the department in Section 624.6012, Florida Statutes, for the purpose of implementation of Section 624.430, Florida Statutes, the department determines each of the following are considered to be lines a line of insurance, (in addition to lines of insurance as may be elsewhere established by rule of the Financial Services Commission Department):

1. Homeowners property insurance;

2. Mobile homeowners property insurance;

3. Condo unit owners contents insurance;

4. Renter’s/dwellers contents insurance; and

5. Residential condominium association property coverages.

~~(2)(3) Actions Having the Substantial Effect of a Withdrawal or Discontinuance of Writing Insurance in this State:-~~

(a) Reductions subject to Section 624.430, Florida Statutes, include any action or actions, whether taken in a single step or by a series of steps over a period of time, the reasonably foreseeable substantial effect of which is, or will be when the action is completed, to have discontinued the writing of a kind or line of insurance or to have withdrawn from Florida.

(b) “Substantial effect” means that, for example, the continuance of a token amount of writing in Florida will not prevent a conclusion that a reduction subject to Section 624.430, Florida Statutes, has occurred or will occur.

(c) ~~Furthermore, it is not determinative of the existence of a reduction requiring notice under Section 624.430, Florida Statutes, that the action is taken in a single step, or by a series of steps over time, if the reasonably foreseeable effect of the action or actions is or will be to have substantially effected a reduction.~~ The application of Section 624.430, Florida Statutes, does not depend upon the insurer’s subjective statement of desire or intent as to the effect of its actions.

~~(3)~~(4) The ~~Office Department~~ interprets the requirement of notice as authorizing the ~~Office Department~~ to prohibit the withdrawal, surrender, or discontinuance of writing, when such withdrawal, surrender, or discontinuance of writing is done in violation of any law or rule.

~~(4)~~(5) Notice to Precede Action to Reduce Presence in Florida.

(a) An insurer shall take no action in furtherance of a reduction; prior to the expiration of 90 days after the receipt by the ~~Office Department~~ of the notice required by Section 624.430, Florida Statutes.

(b) Prohibited actions include sending any notice of cancellation, non-renewal, or termination; or notice of intent to cancel, non-renew, or terminate; to any policyholder, agent, managing general agent, reinsurer, or other person or entity. This is not intended to prohibit an insurer from noticing the individuals herein of the insurer's plans to reduce presence in Florida. The notice shall not be distributed until the Office has received and approved the notice required by Section 624.430, Florida Statutes.

~~(5)~~(6) Procedure for Providing Notice of Reduction.

(a) Format of Notice. The notice required under Section 624.430(1), Florida Statutes, shall:

1. Be in the form of a letter;;
2. Be on the letterhead of the insurer;;
3. Be dated and signed by an officer of the insurer;;

4. ~~The letter shall~~ begin with the following language after the salutation: "This constitutes the notice required by Section 624.430, Florida Statutes, of this insurer's desire to \_\_\_\_\_," where the blank space is filled in as applicable with "surrender its certificate of authority" or "withdraw from the state" or "discontinue writing one or more lines of insurance."

(b) Original Notice Copies. The notice shall consist of an original letter of ~~and two complete copies of~~ the notice and all attachments.

(c) Designated Filing Office.

1. The letter of notice ~~with the two copies~~ shall be sent addressed to and delivered by certified or registered mail to the following address: Assistant Director, Division of Insurer Services, Department of Financial Services, Office of Insurance Regulation Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0326. There shall be no constructive receipt of the notice by the above-designated filing office; other than upon receipt by the ~~Office's Department's~~ mail room in the usual course of business; of a properly addressed notice by U.S. mail.

2. The 90 days shall ~~not~~ begin when to run until a properly addressed notice, in a form substantially complying with this rule, is received by the ~~Office Department~~, by U.S. mail.

(d) Incomplete Notices; Notices Not in Proper Format. Notices that are incomplete or not in proper format shall be ~~summarily~~ returned and are not effective as notice under Section 624.430, Florida Statutes.

(e) Contents of Notice. The notice shall include:

1. If the notice is of discontinuance of writing one or more lines of insurance in this state, ~~it shall specify~~ the lines to be discontinued.

2. ~~The notice shall specify the desired~~ timetable of events related to the ~~desired~~ reduction.

3. ~~The notice shall specify in detail~~ the reason for the proposed action in detail.

4. ~~Insurers shall also provide the department with the following information in the notice:~~

4.a. A listing of all lines of insurance the insurer then has in force in Florida ~~that which~~ will be affected by the reduction, and

b. ~~F~~for each line, a statement of the approximate number of policies and dollars of premium then in force in Florida ~~that and which~~ will be affected by the ~~desired~~ reduction.

5. ~~b.~~ A copy of the notice to policyholders and a description of:

a. ~~The what notice and~~ treatment that will be given by the insurer to its affected Florida policyholders concerning the reduction; and

b. ~~The what~~ steps that will be taken by the insurer regarding processing of any outstanding covered claims of ~~the such~~ policyholders during while and after the ~~insurer~~ accomplishes its reduction.

6. ~~e.~~ A description of projected impact of the reduction on ~~upon~~ the insurer's Florida agent and agency force, if any. In addition to any other information related to the impact on agents, the insurer shall:

a. Sstate the number of affected agents; and

b. Provide a copy of any notice to be sent to the agents regarding the proposed action ~~give a brief description of what they are being told.~~

7. ~~d.~~ A description of any reduction or discontinuation of writings in any other state or states.

~~(6)~~(7) ~~Office Department~~ Action Upon Receipt of Notice.

(a) Upon receipt of a complete notice which satisfies all requirements of paragraph (5)(e) above. Subsequent to receiving the initial filing, the Office may ~~Department will~~ request the insurer to provide further information, or ~~will~~ conduct such ~~other~~ investigation as is necessary to determine whether the initial information provided is accurate and whether the proposed action will have the effects projected by the insurer.

(b) 1. Within 45 days of receipt of a complete notice and all required or requested additional information, the Office shall in writing approve, disapprove, or approve with conditions the plan submitted by the insurer.

2. The ~~Office Department~~ shall inform the insurer if the proposed reduction would be in violation of, or cause a violation of, any provision of the Insurance Code or rule of the Financial Services Commission ~~Department~~.

~~3. Within 5 calendar days of the date of the such notice to the insurer, the insurer shall file with the Office Department a response indicating whether it will proceed to implement the reduction or, if (9)(b) applies, shall file any application for relief required thereby.~~

~~(7)(8) Certificate of Authority Surrender Effected by Office Department Order.~~

~~(a) No surrender or attempted surrender of a certificate of authority is effective until accepted by order of the Office Department.~~

~~(b) Upon Office approval of the surrender of the certificate of authority of a domestic insurer that is a corporation, the insurer may initiate the dissolution of the corporation in accordance with applicable provision of Chapter 607, Florida Statutes.~~

~~(9) Relationship of Reduction to Moratorium Phaseout. The department interprets Section 627.7013(2)(a)4., Florida Statutes, relating to certain applications for reduction filed prior to August 24, 1992, as indicating a legislative intent that as to all attempted or desired reductions affecting "Florida personal lines residential policies" (hereinafter "residential policies"), other than those in which such reduction notice was filed prior to August 24, 1992, Section 627.7013, Florida Statutes, applies and takes precedence over Section 624.430, Florida Statutes, and prohibits or limits such reductions affecting residential policies, initiated for the purpose of reducing the insurer's exposure to hurricane claims.~~

~~(a) Factors which will be given great weight in evaluating whether a desired reduction is for the purpose of reducing the insurer's exposure to hurricane claims include:~~

- ~~1. Would the reduction in Florida be accompanied by reduction action by the insurer in other states?~~
- ~~2. If so, would a disproportionate amount of the impact be in areas of the country especially subject to risk of loss from hurricane?~~
- ~~3. How much of the reduction in Florida would be in residential policy exposures as compared to exposures in other lines of insurance in Florida?~~
- ~~4. If the insurer is discontinuing writing only some lines of insurance, are the lines being discontinued especially subject to risk of loss from hurricane, as compared to the lines not being discontinued?~~
- ~~5. Does the insurer have a significant concentration of residential policies and exposure in coastal areas of Florida?~~
- ~~6. Would the desired reduction significantly reduce the insurer's exposure to risk of loss from hurricane exposure under residential policies in Florida?~~

~~(b) If the department determines that any proposed reduction violates Section 627.7013, Florida Statutes, the insurer shall not proceed with the reduction as it affects~~

~~residential policies, and shall file an application under Rule 4-141.021, F.A.C., which implements Section 627.7013, Florida Statutes. The reduction in residential policies shall be limited to the extent of relief granted the insurer by the department under Section 627.7013, Florida Statutes and Rule 4-141.021, F.A.C.~~

~~(8)(10) Notwithstanding Rule 4-167.001, F.A.C., when an insurer withdraws from a line of business resulting in the cancellation of residential property insurance policies, the insurer must return to the insured, within fifteen (15) working days of the postmark date of the cancellation notice, the gross unearned premium corresponding to coverage beyond the effective date of the cancellation.~~

~~Specific Authority 624.308(1), 624.6012 FS. Law Implemented 624.307(1), 624.430, 624.6011, 624.6012 FS. History—New 1-8-96, Amended 5-26-96,~~

**DEPARTMENT OF INSURANCE**

RULE TITLE: RULE NO.:

Notification of Insured's Rights and 4-176.013  
 Standard Disclosure Form; Personal  
 Injury Protection Benefits

PURPOSE AND EFFECT: To develop a standardized form to be used in connection with personal injury protection insurance, as required by SB 32A adopted by the Legislature.

SUBJECT AREA TO BE ADDRESSED: Personal Injury Protection Standard Disclosure.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., August 25, 2003  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mosquito Control Program	
Administration	5E-13
RULE TITLES:	RULE NOS.:
Definitions	5E-13.021
Eligibility for State Approved Program and/or Aid	5E-13.022
Certified Budgets, Filing	5E-13.027
State Aid Basis and Availability	5E-13.030
District or County Use of Funds	5E-13.031
Program Directors, Employment and Classification	5E-13.032
Demonstrable Increase or Other Indicator of Arthropod Population Level	5E-13.036
Aircraft Application for the Control of Adult Arthropods	5E-13.037
Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public	5E-13.039
Criteria for Licensure or Certification of Applicators	5E-13.040

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 5E-13, F.A.C., to address changes to Statute and to develop modifications for the required Mosquito Control State Approved Program forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is modification of Mosquito Control State eligibility and reporting requirements.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.201, 388.261, 388.271, 388.281, 388.341, 388.361(11), 388.4111 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 28, 2003

PLACE: Hurston South Tower, S-113, Conference Rooms A & B, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Steven Rutz, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-13.021 Definitions.

(1) "Approved Mosquito Control Agency" – any county or district in current compliance with Sections 388.101, 388.241, ~~388.162~~, 388.262, 388.271, 388.341, Florida Statutes and Rule 5E-13.032, Florida Administrative Code.

(2) "District" – any defined area of the state or a county established for express purpose of controlling arthropods within said boundaries under the provisions of Chapter 388, F.S. or other legislative acts. These rules shall apply only to districts participating under Chapter 388, F.S., except as provided in Sections 388.323 and 388.281, F.S.

(3) "Arthropods" – those insects of public health or nuisance importance, including all mosquitoes, biting and non-biting midges, dog flies, filth house flies, and biting yellow flies, ~~and sand flies~~.

(4) "Certified budget" – district or county budget for control of arthropods attested to by the clerk of the circuit court, notary public of the state of Florida, secretary of the board of commissioners or any other person duly authorized by law under the official seal of the district or county.

(5) through (12) No change.

(13) "Labeling" – all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare~~, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change.

(20) "Director" – a qualified person responsible for the planning and on-site supervision of a district as defined under Section 388.011~~(5)2~~, F.S., who directs the execution of a county or district arthropod control program and oversees its day-to-day activities.

(21) through (23) No change.

(24) "Public land management agency" – any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation, ~~Game and Fresh Water Fish~~ Commission, and Trustees of the Internal Improvement Trust Fund.

(25) through (26) No change.

(27) “VCMS” – Vector Control Management Systems proprietary computer software used by the department to collect and disseminate arthropod tracking, identification, surveillance, chemical reporting data from state-funded mosquito control programs and to share data with other public health agencies.

(28) “Landing rate count” – a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of lower body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(29) “Direct supervision” – supervisor must be in verbal contact, either directly or by electronic means and be able to arrive on site within 30 minutes.

Specific Authority 388.361 FS. Law Implemented 388.361, 388.4111 FS. History–New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94,\_\_\_\_\_.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county may be eligible to receive state aid for control of arthropods when it provides the following: an item in its annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program may be eligible when they provide the following: an annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended\_\_\_\_\_.

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (3/95). Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or

county of any distribution changes due to the re-budget. A written request for extension of the September 15 and/or October 30 deadlines will be authorized provided the request is based on the existence of a documented urgent, non-routine situation, and is received by the department prior to the September 15 or October 30 due date that applies. Deadline failures will result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

(2) Budget amendments on form DACS 130613 (3/95), entitled “Arthropod Control Budget Amendment,” shall be prepared and submitted to the department prior to over-expending funds in any account or expending funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department. Failure to meet the deadlines will delay the quarterly installment and/or result in re-distribution of state aid to other existing state approved programs.

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on department prescribed forms, or those contained in the Vector Control Management Systems program, to the department not later than thirty (30) days after the end of each month.

(6) No change.

(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (3/95) and DACS 130613 Arthropod Control Budget Amendment (3/95), are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

Specific Authority 388.361 FS. Law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95,\_\_\_\_\_.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed \$120,000 ~~\$30,000~~ for any one county for any one year provided they meet the requirements of Section 388.261(1), Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a district or county for the year are under

~~\$120,000 \$30,000~~ and are less than the budgeted sum, a minus adjustment shall be made in the allocation ~~and the payment of state funds in the manner described in Rule 5E-13.030(3).~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed ~~\$50,000 \$30,000~~ per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded program will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Section 388.261(1), F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor.

~~(3) In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(e), Florida Statutes, these funds are to be used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)(4)~~ For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchable local funds budgeted.

~~(4)(5)~~ Following receipt and review of a district or county annual financial report submitted in compliance with Chapter 388.271(1), F.S. Rule 5E-13.029(2), F.A.C. the amount of state funds earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. That amount is arrived at by dividing the total money appropriated by the number of participating counties or districts. Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated

and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.

~~(5)(6)~~ The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.

Specific Authority 388.361 FS. Law Implemented 388.261 FS. History—New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94,\_\_\_\_\_.

5E-13.031 District or County Use of Funds.

(1) Prior to advertising for the purchase of equipment, the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased when the cost will exceed six thousand (\$6,000) dollars per unit, and shall receive an approved copy of said specifications before advertising for bids. Equipment purchased at a cost less than six thousand (\$6,000) dollars per unit may be purchased without prior approval from the department, but written notification must be submitted to the department.

(2) through (3) No change

(4) Proceeds from sale or rental of property purchased with district or county local or state funds shall be deposited and credited to State funds.

(5) through (7) No change.

Specific Authority 388.361 FS. Law Implemented 388.281 FS. History—New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94,\_\_\_\_\_.

5E-13.032 Program Directors, Employment and Classification.

(1) through (4) No change.

(a) Director I –

Local budget ~~\$30,000.00 10,000.00~~ to ~~\$99,999.99 39,999.99.~~

State aid ~~\$15,000.00 to \$24,999.99.~~

Minimum qualifications for Director I position: High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget ~~\$100,000.00 40,000~~ to \$499,999.99.

State aid ~~\$25,000 to \$49,999.99.~~

Minimum qualifications for Director II position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III –

Local budget \$500,000.00 and over.

~~State aid \$50,000.00 and over.~~

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director’s position is to be filled, the applicant shall take and pass a written Director Certification Examination prior to appointment or within six months of employment. The applicant must hold a valid Public Health Pest Control license in order to take the Director Certification Exam. Director Certification Exam scores shall be valid for a period of four (4) years from the date of issuance. Re-examination is not required as long as the qualified director remains in the same directorship position. Certification holders who have not found employment as a program director during this four year period, must retake the Director Certification Exam in order to re-qualify for the position. When a qualified director transfers to another district or program, they must retake and pass the Director Certification Exam within 6 months of reassignment to the new directorship position if it has been more than 4 years since their previous Director Certification Examination.

(6) The name and qualifications of a new program director must be forwarded to the department no later than forty five (45) days from employment date. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History–New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, \_\_\_\_\_.

5E-13.036 Demonstrable Increase or Other Indicator of Arthropod Population Level.

Mosquito and other arthropod control programs will insure that the application of pesticides are made only when necessary by determining a need in accordance with specific criteria that demonstrate a potential for a mosquito-borne disease outbreak or numbers of disease vector mosquitoes sufficient for disease transmission or defined levels of, or a quantifiable increase in numbers of pestiferous mosquitoes or other arthropods as defined by Section 388.011(1), F.S. To determine the need for applications of adulticides, at least one of the following criteria will be met and documented by records:

(1) through (2) No change.

(3) When adult mosquito levels exceed 5 mosquitoes per minute during a landing rate count, as defined in subsection 5E-13.021(28), F.A.C.

~~(4)(3)~~ When service requests for arthropod control from the public have been confirmed by one or more recognized surveillance methods.

~~(5)(4)~~ When counts as determined by normal surveillance methods in the daytime exceed 5 per minute for stable flies (dogflies) on beaches and bayshores.

~~(6)(5)~~ Aircraft applications of mosquito adulticides along beaches and bayshores shall be justified only when there is a demonstrable three-fold increase over a base population.

~~(7)(6)~~ Surveillance records shall be kept at least three (3) years to document need for adulticide applications.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS. History–New 2-10-87, Formerly 10D-54.036, Amended 3-14-94, 7-5-95, \_\_\_\_\_.

5E-13.037 Aircraft Application for the Control of Adult Arthropods.

(1) No change.

(2) Once the decision to apply an adulticide by aircraft is made, the following will apply:

(a) No change.

(b) Adulticides selected shall be those labeled for aircraft application in accordance with 5E-13.046(6)(b), F.A.C. to provide adequate control of the problem mosquitoes or other arthropods and when used in accordance with widespread and commonly recognized practice it will not cause unreasonable adverse effects on the environment. Adulticide labels will be strictly followed.

(c) through (f) No change.

(3) No change.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS., Section 11, Chapter 91-428, Laws of Florida. History–New 2-10-87, Formerly 10D-54.037, Amended \_\_\_\_\_.

5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public.

(1) through (2) No change.

(3) A signed statement attesting that this instruction was provided by the certified applicator supervisor to each unlicensed applicator shall be kept on file and made available to the department upon request.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(d) FS., Section 11, Chapter 91-428, Laws of Florida. History–New 2-10-87, Formerly 10D-54.039, Amended \_\_\_\_\_.

5E-13.040 Criteria for Licensure or Certification of Applicators.

(1) No change.

(2) Licensing and exemptions. All persons who apply an arthropod control pesticide, unless they operate under the direct supervision of a licensed applicator, as defined in

subsection 5E-13.021(29), F.A.C., shall apply to the department for certification and be licensed as a Public Health Pest Control ~~an arthropod control pesticide~~ applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property.

(3) Certification Standards. Competency standards for the certification of Public Health Pest Control applicators will be determined by passing the Public Health Pest Control examination, which demonstrates a practical knowledge of the principles of mosquito control ~~an examination that demonstrates a practical knowledge of the principles and practices of arthropod control and the safe use of pesticides and a category examination which demonstrates a knowledge of vector disease transmission as it relates to and influences application programs and vector-disease transmission.~~ A passing grade of 70 percent, or above, will be required on this examination administered by the department. In addition, applicants must pass the General Standards (Core) exam, to demonstrate a knowledge of pesticide use and safety. ~~A passing grade of 70 percent, or above, will be required on this examination administered by the department.~~

(4) Recertification. All persons licensed in Public Health Pest Control ~~certified~~ shall provide evidence of continued competency prior to license ~~certificate~~ renewal ~~by examination~~ ~~or~~ by accrual of not less than 16 hours of continuing education credit during each 4 year licensure period. ~~Each certificate holder shall complete a minimum of 2 hours of approved continuing education on legislation, safety, pesticide labeling, mosquito biology, and mosquito control techniques, or pass an examination given by the department. Failure to meet continuing education requirements or to pass an examination on the topics detailed above,~~ shall result in the non renewal of the license, and applicators must retake and pass both the Public Health Pest Control and the General Standards (Core) examinations to obtain a new license a certificate. Courses or programs to be considered for credit shall contain one or more of the following topics:

- (a) The law and rules of the state pertaining to mosquito control.
  - (b) Precautions necessary to safeguard life, health, and property in the conducting of mosquito control and the application of pesticides.
  - (c) Mosquitoes, their habits, identification, and relative importance as to nuisance and vectors of disease.
  - (d) Currently accepted practices in the conducting of measures for the control of adult and larval forms of mosquitoes and surveillance techniques.
  - (e) How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels on pesticides used in mosquito control.
- (5) through (6) No change.

~~(7) All applicators performing public health pest control shall be licensed by January 1, 1988.~~

~~(7)(8) Public Health Pest Control applicators shall keep accurate records so that monthly activity reports relative to pesticide application, source reduction, water management, biological control and surveillance activities can be assessed by the department. Pesticides use records shall include the name of applicator, pesticide and amount used, how applied, where applied, rate of application, date and time of application. These reports shall be retained for a period of 3 years and be made available to the department upon request.~~

~~(8)(9) Aerial applicators who apply an arthropod control pesticide, shall apply to the department for certification and be licensed as a Public Health Pest Control Aerial applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property. Aerial applicators shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means. Such competence will be demonstrated by passing the Aerial, Public Health Pest Control Applicator, and General Standards (Core) examinations in an aerial applicator examination administered by the department. There shall be no provision for an unlicensed aerial applicator to operate under the supervision of a licensed aerial applicator. In addition, aerial applicators conducting mosquito control operations must be certified in Public Health Pest Control as outlined above.~~

~~(10) All new mosquito control directors shall demonstrate competence in all the areas as heretofore described for Public Health Pest Control certification. In addition, a director must demonstrate an understanding of budgetary planning and mathematical calculations for mixing and applying pesticides. Directors shall demonstrate their knowledge of the above by passing an examination administered by the department.~~

Specific Authority 388.361 FS. Law Implemented 388.361(4) FS. History-New 2-10-87, Formerly 10D-54.040, Amended 3-14-94,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Registration

RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to identify the current Registration Application and set the guideline to change the registration period from annually to biennially.

SUBJECT AREA TO BE ADDRESSED: This rule identifies the current Registration Application and sets new registration guidelines for a biennial registration period.

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.



IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 27, 2003

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.002 Registration.

(1)(a) Any person who intends to operate a motor vehicle repair shop shall, before engaging in such activities, ~~annually~~ apply for and obtain a registration certificate from the Department using form DACS 10900, Registration Application, Motor Vehicle Repair Act, effective 1-18-95, revised 9-13-01 and 5-3-03, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(b) through (d) No change.

(2) No change.

(3) The Department will register motor vehicle repair shops whose current registration expires on or after September 1, 2003, and who have fully complied with Sections 559.901-559.9221, Florida Statutes, and the rules adopted thereunder in the following manner:

(a) All motor vehicle repair shops renewing their registration with the Department and whose name begins with a number or the letter A through J will be registered for a period of one year. All motor vehicle repair shops registering under this section will be required to pay a one year registration fee;

(b) All motor vehicle repair shops renewing their registration with the Department whose name begins with the letter K through Z will be registered for a period of two years. All motor vehicle repair shops registering under this section will be required to pay a two year registration fee;

(c) All motor vehicle repair shops registering with the Department for the first time will be required to be registered for a two year period and pay a two year registration fee;

(d) Subsection (3) will expire on July 1, 2004.

Specific Authority 559.2201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03,

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: Florida Uniform Market Area Guidelines  
 RULE NO.: 12D-8.0082

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to create the Florida Uniform Market Area Guidelines. Rule development will begin to develop uniform regulations and guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S., and to receive public comments on the second draft of the guidelines. These guidelines are being developed for adoption under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 195.032, 195.062, 213.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., Friday, August 22, 2003

PLACE: Orlando Public Library, Cypress Room, Third Floor, 101 E. Central Blvd., Orlando, Florida

Copies of the agenda for the workshop may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Property Tax Technical Unit is asked to advise the Department at least 48 hours before such proceeding by contacting: Sharon Gallops, (850)414-6108. A person who is hearing-impaired or speech-impaired should contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Property Tax Technical Unit, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108

The text of the third draft of the Florida Uniform Market Area Guidelines is expected to be available 10 days before the rule development workshop by contacting the person referenced above or by accessing the website on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.  
Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in Section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S. These guidelines are entitled:

Florida Uniform Market Area Guidelines New 12/03

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History—New

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Drivers Licenses**

RULE CHAPTER TITLE: BREATH ALCOHOL IGNITION      RULE CHAPTER NO.: 15A-9

Interlock Devices      15A-9

RULE TITLES:      RULE NOS.:

Authority      15A-9.001

Purpose      15A-9.002

Definitions      15A-9.003

When Ignition Interlock Devices are Required      15A-9.004

Specifications      15A-9.005

Procedure For Ignition Interlock Device Approval      15A-9.006

Certification      15A-9.007

Installation and De-Installation      15A-9.008

Servicing      15A-9.009

Monitoring      15A-9.010

Warning Label      15A-9.011

Auditing of Administrative Offices and Service Providers      15A-9.013

Forms      15A-9.014

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to add the implementation and use of ignition interlock devices as specified in Sections 316.193, 316.1937 and 316.1938, Florida Statutes. The 2002 Legislature amended Section 316.193, F.S., to require the ignition interlock device to be installed on the vehicles used by certain person convicted of driving under the influence (DUI). This rule is amended to set minimum specifications for the ignition interlock device, to establish that the process for approving a device manufacturer, and to set servicing and monitoring requirements.

SUBJECT AREA TO BE ADDRESSED: Breath Alcohol Ignition Interlock Devices.

SPECIFIC AUTHORITY: 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

LAW IMPLEMENTED: 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Lauer, Bureau of Driver Education and DUI Programs, Division of Drivers Licenses, Department of Highway Safety and Motor Vehicles, Room B211, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)487-1227

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15A-9.001 Authority.

This chapter is promulgated pursuant to Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended

15A-9.002 Purpose.

The purpose of this chapter is to establish guidelines for certification and installation of Breath Alcohol Ignition Interlock Devices and implementing the use of such devices as required by Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, and 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended

15A-9.003 Definitions.

(1) Alcohol. Any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol as defined in Section 322.01(2), Florida Statutes.

(2) Alveolar breath sample. Also called “deep lung air” or “alveolar breath.” An air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which breath alcohol concentrations can be determined. “Alveolar” refers to the aveoli, which are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gases occurs during respiration.

(3) Breath alcohol concentration (BrAC). The number of grams of alcohol per 210 liters of breath as defined in Section 322.01(3)(b), Florida Statutes.

(4) Breath test. An analysis of the breath alcohol concentration of an alveolar breath sample.

(5) Calibration. The process which ensures an accurate alcohol concentration reading on an ignition interlock device.

(6)(+) Certification. The testing and approval process required by the Department of Highway Safety and Motor Vehicles.

(7) Convicted person. The person required by the court or the department to drive only motor vehicles that have certified ignition interlock devices installed.

(8)(2) Department. The Department of Highway Safety and Motor Vehicles.

(9)(3) Device. A breath alcohol ignition interlock device.

(4) Driver. The person required by the department to drive only vehicles, which have certified devices installed.

(5) Vendor. The retail supplier of the approved devices. Vendor is also referred to as service provider.

(10) Emergency bypass. A one-time event, authorized by a service provider, that permits the ignition interlock device-equipped motor vehicle to be started without the requirement of passing the breath test.

(11) Fail point. A preset or predetermined breath alcohol level, defined in Section 316.1937, Florida Statutes.

(12) Free restart. The ability to start the engine again within three (3) minutes without completion of another breath test, when the condition exists where a breath test is successfully completed and the motor vehicle is started, but then the engine stops for any reason (including stalling).

(13) Ignition interlock device. A breath alcohol analyzer connected to a motor vehicle's ignition. In order to start the motor vehicle engine, a convicted person must blow an alveolar breath sample into the analyzer, which measures the breath alcohol concentration. If the breath alcohol concentration exceeds the fail point on the ignition interlock device, the motor vehicle engine will not start.

(14) Lockout. The ability of the ignition interlock device to prevent a motor vehicle's engine from starting.

(15)(6) Manufacturer. The actual producer of the ignition interlock device who assembles the product and who may provide distribution and services. The person, company or corporation who produced the device, or a recognized representative thereof.

(16) Motor vehicle. Any self-propelled motor vehicle not operated upon rails or guideway, but not including any motorcycle, bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(17) Permanent lockout. A feature of the ignition interlock device in which a motor vehicle will not start until the ignition interlock device is reset by a service provider.

(18) Retest. An additional chance to provide an alveolar breath sample below the alcohol fail point.

(19) Rolling retest. Additional alveolar breath samples required while the motor vehicle is in operation.

(20) Service provider. The retail supplier of the approved ignition interlock devices.

(21) Tampering. An unlawful act or attempt to disable or circumvent the legal operation of the ignition interlock device.

(22) Temporary lockout. A feature of the ignition interlock device which will not allow the motor vehicle to start for time periods specified in Rule 15A-9.005, F.A.C., after a breath test result indicating a BrAC above the fail point.

(23) Violation. An event, such as two (2) breath tests above the fail point upon initial startup, a refusal to provide a rolling retest alveolar breath sample, a rolling retest above the fail point, or tampering, which breaches the guidelines for use of the ignition interlock device.

(24) Violation reset. A feature of the ignition interlock device in which a service reminder is activated due to a violation.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.004 When Ignition Interlock Devices Are Required.

(1) When required pursuant to Section 316.193, Florida Statutes Drivers whose driving privileges have been revoked five years or more for driving under the influence of alcoholic beverages, chemical substances or controlled substances prior to reinstatement on a restricted basis pursuant to Section 322.271, Florida Statutes.

(2) When court ordered in accordance with Section 316.1937, Florida Statutes.

(3) When required by the department pursuant to Section 322.271, Florida Statutes.

Specific Authority 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.271 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.005 Specifications.

(1) All ignition interlock devices will be required to meet or exceed the standards set forth in the model specifications published in the Federal Register, Volume 57, No. 67, page 41772 by the National Highway Traffic Safety Administration with the exception of the rolling retest.

(2) Technical specifications for the operation and installation of the ignition interlock device shall be described in the contract between the department and the manufacturer(s).

(3)(2) The ignition interlock devices alcohol fail point shall be the level specified by Section 316.1937, Florida Statutes 0.03% w/v, with a virtual lockpoint of 0.05% w/v.

(4) For initial startup of the motor vehicle.

(a) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(b) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(c) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(d) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(5) A rolling retest feature is required for all ignition interlock devices.

(a) An ignition interlock device shall require a rolling retest within the first five (5) minutes after the start of the motor vehicle and randomly thereafter at least once every 45 minutes but no more than once every 15 minutes as long as the motor vehicle is in operation.

(b) A free restart shall not apply if the ignition interlock device was awaiting a rolling retest that was not delivered.

(c) Any alveolar breath sample above the fail point or any failure to provide a rolling retest alveolar breath sample shall activate the motor vehicle's horn and/or cause the motor vehicle's emergency lights to flash until the engine is shut off by the convicted person.

(d) The first breath test above the fail point shall result in a five (5) minute temporary lockout.

(e) The second breath test above the fail point is a violation and shall result in a 30-minute temporary lockout.

(f) The violations reset message shall instruct the convicted person to return the ignition interlock device to the service provider for servicing within five (5) days.

(g) If the ignition interlock device is not reset within five (5) days, a permanent lockout will occur.

(6) In the case of an emergency bypass, the ignition interlock device must record the event. The ignition interlock device must be reset by a service provider within five (5) days of the emergency bypass to avoid a permanent lockout.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.006 Procedure For Ignition Interlock Device Approval Requirement Waiver.

(1) All ignition interlock devices used pursuant to Sections 316.193 and 316.1937, Florida Statutes, must be approved by the department.

(2) The department shall contract with a manufacturer or manufacturers of ignition interlock devices for the services and commodities required for implementation of Sections 316.193, 316.1937, and 316.1938, Florida Statutes.

(3) The department shall maintain a list of approved ignition interlock devices.

~~Any driver may have the device requirement waived by producing evidence that their resident city is more than seventy five miles from the nearest location where a device service center is situated. Mileage will be computed by using a department of transportation map mileage. This waiver is not applicable in court ordered installations.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.007 Certification.

(1) Each manufacturer under contract with the department will submit a certification from an independent laboratory certifying that their ignition interlock device has been tested in accordance with the model specifications published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration and the ignition interlock device meets or exceeds those specifications, as well as criteria set forth in the contract with the department. The only exception to the specifications is the rolling retest. Federal Register as published in Volume 57, No. 67, pages 11772-11787, Tuesday, April 7, 1992 is hereby incorporated by reference.

(2) The manufacturer shall be responsible for the continuing certification of ignition interlock device service providers for use of an approved ignition interlock device. Upon receiving the appropriate documentation the department will issue a certificate (HSMV 72124) to the manufacturer showing the device has been certified for use.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.008 Installation and De-Installation.

(1) The ignition interlock device must be installed by a manufacturer or his representative in accordance with the Federal gGuidelines published in the Federal Register, Volume 57, No. 67, page 11772 by the National Highway Traffic Safety Administration.

(2) An orientation to the ignition interlock device will be developed and delivered by the service provider to the convicted person driver and other persons any family members who may drive the vehicle, including information on all servicing locations, procedures for regular servicing and emergency situations.

(3) Whenever an ignition interlock device is de-installed, the vehicle must be restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent.

(4) Prior to installation of the ignition interlock device, the convicted person must provide to the service provider: Upon installation, the manufacturer or his representatives shall

complete a notice of proof of installation (HSMV 72122) and submit to Department of Highway Safety and Motor Vehicles within 15 days of installation date.

(a) Photo identification;

(b) The VIN numbers of all motor vehicles owned and/or routinely driven by the convicted person; and

(c) A statement disclosing the names of all other operators of the motor vehicles owned and/or driven by the convicted person.

(5) No later than the first service appointment, the convicted person must provide to the service provider a statement from each licensed driver living at the same address as the convicted person acknowledging their understanding of the requirements of the use of the ignition interlock device. ~~De installation shall be completed after the date indicated on Form HSMV 72125.~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

#### 15A-9.009 Servicing.

(1) ~~The convicted person must present photo identification to the service provider for all required services. All BAHD devices will be serviced at 60 day intervals. Servicing entails ensuring precision and accuracy of the device and completion of Form HSMV 72123.~~

(2) ~~The service provider must: The service provider will be required to maintain service centers and will have a 24 hour, toll-free number in the event of emergencies with the ignition interlock device.~~

(a) Provide service at intervals specified in the contract with the department;

(b) Calibrate the ignition interlock device;

(c) Retrieve data from the ignition interlock device data log for the previous period and electronically submit it to the department within 3 days of calibration;

(d) Record the odometer reading of the motor vehicle in which the ignition interlock device is installed; and

(e) Check for signs of tampering and electronically report to the department any violation within 48 hours of servicing.

(3) All malfunctions of the ignition interlock device will be repaired or the ignition interlock device replaced by the service provider within 48 hours.

(4) A service provider will be available at the service center during specified hours, to answer questions and to deal with any mechanical concerns that may arise with a vehicle as a result of the ignition interlock device.

(5) The ignition interlock device shall record, at a minimum, the following data:

(a) The time and date of each failed breath test;

(b) The time and date of each passed breath test;

(c) The breath alcohol level of each test; and

(d) The time and date of any attempt to tamper or circumvent the ignition interlock device.

(6) The manufacturer or service provider must maintain a toll-free 24-hour emergency phone service that may be used to request assistance in the event of failure of the ignition interlock device or motor vehicle problems related to operation of the ignition interlock device. The assistance provided by the authorized service provider shall include technical information, tow service, or road service. The ignition interlock device shall be made functional within 48 hours of the call for assistance or the ignition interlock device shall be replaced.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History—New 10-12-92, Amended \_\_\_\_\_.

#### 15A-9.010 Monitoring.

(1) The licensed DUI programs shall, prior to each periodic update, review the summary report of the ignition interlock device data for each convicted person who is in the Special Supervision Services Program, as described in Chapter 15A-10, Florida Administrative Code. ~~All BAHD devices shall be monitored at 60 day intervals.~~

(a) In addition to the periodic update fee listed in Chapter 15A-10, Florida Administrative Code, the fee to be charged by the DUI program shall not exceed \$10.

(2) The department will refer the convicted person who is not in the Special Supervision Services Program to a licensed DUI program. ~~A record of all tests where alcohol is detected must be recorded by day, date and time.~~

(a) Upon the first violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV Form 77136 to document the face-to-face interview.

3. The interview fee to be charged by the DUI programs shall be \$25. This is the only fee to be charged for the services except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

(b) Upon the second violation, as defined in subsection 15A-9.003(23), Florida Administrative Code.

1. The convicted person must schedule an appointment with the DUI program within twenty (20) days from the date of the referral letter. The DUI program shall notify the department within 10 days of when the convicted person contacts the DUI

program. If notification is not received within 45 days from the date of the referral letter, the department will cancel the convicted person's driver license.

2. For the remainder of the convicted person's ignition interlock requirement, the convicted person must report monthly to the DUI program.

3. The DUI program shall complete the Ignition Interlock Device Interview Report, HSMV 77136 to document the monthly face-to-face interview. The fee for the initial appointment shall be \$55 and shall include the development of a case management plan. The monthly fee shall be \$25. These are the only fees to be charged for the services, except for department-approved ancillary fees, as provided in Chapter 15A-10, Florida Administrative Code.

4. Prior to each monthly appointment, the DUI program shall review the summary report of the ignition interlock device data for the convicted person.

5. There shall be no less than 20 days and no more than 40 days between the convicted person's appointments with the DUI program.

6. Failure to contact the DUI program within five (5) business days after the missed appointment to reschedule the appointment shall result in notification to the department of failure to comply.

7. If the convicted person misses two consecutive appointments, the DUI program shall recommend cancellation of the license unless the convicted person has good cause for missing the appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the department on the Letter Recommending Cancellation, HSMV Form 77137, unless good cause is documented.

~~(3) The device must provide a notice to the user that a servicing is scheduled three days in advance of required servicing.~~

~~(4) The device shall remain on interlock if not serviced within seven days following the scheduled servicing requirement.~~

~~(5) The device must be able to record tampering. If disconnected or otherwise tampered with, it must be recorded.~~

~~(6) The device must record day, date, time, BAC level, and test result.~~

~~(7) A report (HSMV 72123) shall be provided to the department by the recognized representative of the manufacturer summarizing all problems related to monitoring/servicing checks and all complaints received by the manufacturer.~~

Specific Authority 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938, 322.292 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.011 Warning Label.

All ignition interlock devices that have been approved by the Department shall have affixed a warning label containing the following: "WARNING – Any person tampering, circumventing, or otherwise misusing this device is guilty of a violation of the law and may be subject to civil liability." The cost and supply of the warning labels to be affixed to the ignition interlock devices shall be borne by the manufacturer vendor. The manufacturer vendor shall submit to the department a prototype of the warning label for approval.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.013 Auditing of Administrative Offices and Service Providers Listing of Approved Devices.

The department may conduct on-site audits of administrative offices and service providers to ensure compliance with the contract. The Department shall maintain a list of approved devices. This list is available upon request by any person, laboratory or court.

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

15A-9.014 Forms.

The forms identified by this rule are listed below by number, title, and effective date. Each form is incorporated by reference. ~~Copies may be obtained by contacting the nearest office of the Division of Driver Licenses, Bureau of Driver Improvement. The forms are not provided by the department but rather shall be used in the same format and content.~~

~~(1) Ignition Interlock Device Interview Report, HSMV Form 77136 (effective \_\_\_\_). Letter Authorizing Restricted Reinstatement of Driving Privilege for "BUSINESS PURPOSES ONLY" HSMV 72120 (07-01-92).~~

~~(2) Letter Recommending Cancellation, HSMV Form 77137 (effective \_\_\_\_). Authorizing Restricted Reinstatement of Driving Privilege for "EMPLOYMENT PURPOSES ONLY" HSMV 72121 (07-01-92).~~

~~(3) Ignition Interlock Device Installation Verification HSMV 72122 (07-01-92).~~

~~(4) Ignition Interlock Device Report HSMV 72123 (07-01-92).~~

~~(5) Certificate to Manufacturer Showing Device Has Been Certified For Use HSMV 72124 (07-01-92).~~

~~(6) Ignition Interlock Device De-installation Authorization HSMV 72125 (07-01-92).~~

Specific Authority 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 65, pages 11772-11787. Law Implemented 316.193, 316.1937, 316.1938 FS., Federal Register Vol. 57, No. 67, pages 11772-11787. History--New 10-12-92, Amended \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: Undocketed

RULE TITLES:	RULE NOS.:
Records and Reports in General	25-6.014
Location and Preservation of Records	25-6.015
Annual Reports	25-6.135
Cost Allocation and Affiliate Transactions	25-6.1351

PURPOSE AND EFFECT: To update the rules to reference the most recent versions of the Uniform System of Accounts, the Preservation of Records of Public Utilities and Licensees, and Commission Form PSC/ECR 101 (Annual Report of Major Electric Utilities). The revisions will also eliminate reporting requirements that are no longer needed and define "good cause" in subsection 25-6.135(1), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Electric Utility Records and Reports.

SPECIFIC AUTHORITY: 366.05(1), 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 366.02(2), 366.04, 366.041, 366.05, 366.06(1), 366.08, 366.093(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

The workshop request must be submitted in writing: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Slemkewicz, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6420

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.014 Records and Reports in General.

(1) Each investor-owned electric utility shall maintain its accounts and records in conformity with the Uniform System of Accounts (USOA) for Public Utilities and Licensees as found in the Code of Federal Regulations, Title 18, Subchapter C, Part 101, for Major Utilities as revised April 1, 2002 1995, and as modified below. All inquiries relating to interpretation of the USOA shall be submitted to the Commission's Division of Economic Regulation in writing.

(2) through (5) No change.

(6) The Commission prescribes the Uniform System of Accounts for Public Utilities and Licensees, as found in the Code of Federal Regulations, Title 18, Subchapter C, Part 101, for Major Utilities as revised April 1, 2002 2000, to be used by Rural Electric Cooperative and Municipal Electric Utilities operating within the State. All inquiries relating to interpretations of the Uniform System of Accounts shall be submitted to the Commission's Division of Economic Regulation in writing.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.02(2), 366.04(2)(a), 366.04(2)(f), 366.05(1), 366.08 FS. History—Amended 7-29-69, 2-4-76, 8-21-79, 1-2-80, 11-18-82, Formerly 25-6.14, Amended 10-1-86, 11-2-87, 7-20-89, 12-27-94, 4-22-96, \_\_\_\_\_.

25-6.015 Location and Preservation of Records.

(1) through (2) No change.

(3) All records shall be preserved in accordance with the Federal Energy Regulatory Commission's regulations, Title 18, Subchapter C, Part 125, Code of Federal Regulations, entitled "Preservation of Records of Public Utilities and Licensees" as revised, April 1, 2002 1994, which is hereby incorporated by reference into this rule, with the exception of the records listed in paragraph (3)(a) of this rule. ~~Item 64 (Records of predecessors and former associates) of the Schedule of records and periods of retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations.~~ Instead, utilities shall retain records listed in paragraph (3)(a) of this rule for the periods indicated ~~of acquired companies until permission for disposal is petitioned for and approved by the Florida Public Service Commission.~~

(a) The Code of Federal Regulations items listed below are exceptions to the Schedule of Records and Periods of Retention contained in Title 18, Subchapter C, Section 125.3, Code of Federal Regulations:

1. Item 2(a), minute books of stockholders', directors', and directors' committee meetings, earlier of 20 years or termination of corporation's existence;
2. Item 6(a)(1), general ledgers, 20 years;
3. Item 6(a)(2), ledgers subsidiary or auxiliary, 20 years;
4. Item 7, journals: general and subsidiary, 20 years;
5. Item 8(a), journal vouchers and journal entries, 20 years; and
6. Item 20(a), appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies (includes all records essential thereto), 10 years after appraisal.

~~(b)(a)~~ However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not

require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

~~(c)~~(b) The utility shall maintain written procedures governing the conversion of source documents to a storage and retrieval system, which procedures ensure the authenticity of documents and the completeness of records. Records maintained in the storage and retrieval system must be easy to search and easy to read.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1),(9),(11), 366.08, 366.093(1) FS. History--Amended 7-29-69, 7-19-72, 1-11-76, 9-28-81, 11-18-82, Formerly 25-6.15, Amended 10-1-86, 11-2-87, 6-23-93, 11-13-95, \_\_\_\_\_.

25-6.135 Annual Reports.

(1) Each investor-owned electric utility shall file annual reports with the Commission on Commission Form PSC/ECR/101 ~~(/)~~ ~~(+2/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101, entitled "Annual Report of Major Electric Utilities", may be obtained from the Commission's Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the utility making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. "Good cause" means a demonstration that the company has worked diligently to prepare the report and that the additional time period requested to complete and submit the report is both reasonable and necessary given the company's particular circumstances.

(2) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(f), 366.05(1),(2)(a) FS. History--New 12-27-94, Amended 12-11-00, \_\_\_\_\_.

25-6.1351 Cost Allocation and Affiliate Transactions.

(1) through (4)(d) No change.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/ECR/101 ~~(/)~~ ~~(+2/00)~~ which is incorporated by reference into this rule. Form PSC/ECR/101, entitled "Annual Report of Major Electric Utilities," may be obtained from the Commission's Division of Economic Regulation.

(6) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a),(f), 366.04(1), 366.05(1),(2),(9), 366.06(1), 366.093(1) FS. History--New 12-27-94, Amended 12-11-00, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Special Management Meal  
 RULE NO.: 33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct staff titles and provide clarification of the process for placement of inmates on the special management meal.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.223 Special Management Meal.

(1) No change.

(2) Requirements for Utilization of Special Management Meal.

(a) through (e) No change.

(f) The special management meal shall be utilized at all institutions with the exception of those designated for youthful offenders. The Bureau of Food Services shall provide orientation in the preparation and service of the special management meal. The ~~Director~~ Bureau of Field Food Services, based on documentation from the administrator of the food services section, shall certify to the Assistant Secretary ~~Director~~ of Institutions, the warden, and the contractor food service director the successful completion of special management meal preparation and service ~~that~~ training. Certification is required before the institution is authorized to utilize the special management meal. The special management meal will then be authorized for use on a case-by-case basis at those institutions as provided in this rule.

(3) through (7) No change.

(8) An inmate may be placed on the special management meal for a maximum of 7 days before being returned to regular meals for a minimum of one day. If an inmate engages in any of the behavior described in subsection (2) above after being returned to regular meals ~~or at the end of a 7-day period on~~



~~special management meal status~~, the inmate may be placed on special management meal status again by following the above procedures.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00, 1-2-02, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Aging and Assisted Living Programs**

RULE CHAPTER TITLE: Adult Day Care Center  
 RULE CHAPTER NO.: 58A-6

RULE TITLES: Licensure Application Procedures  
 Change of Owner or Operator; Marketing  
 RULE NOS.: 58A-6.003  
 58A-6.0051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 58A-6.003, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 27 of Chapter 2003-57, Laws of Florida, which provides that license renewal notification shall be provided electronically or by mail delivery by the Agency for Health Care Administration. The purpose of the proposed amendments to Rule 58A-6.0051, F.A.C., are being considered, in consultation with the Agency for Health Care Administration, to implement Section 12 of Chapter 2002-400, Laws of Florida, which provides standards of enforcement applicable to all entities licensed or regulated by the Agency for Health Care Administration.

SUBJECT AREA TO BE ADDRESSED: Adult Day Care Center Licensure Procedures and Denial, Suspension, or Revocation of License.

SPECIFIC AUTHORITY: 400.562, 408.831 FS.

LAW IMPLEMENTED: Ch. 400, Part V, 400.557, 408.831 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW.

TIME AND DATE: 10:00 a.m. – 11:00 a.m., August 25, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-6.003 Licensure Application Procedures.

(1) through (5) No change.

(6) The agency shall notify a licensee electronically or by certified mail delivery at least 120 days before the expiration date of the center’s license. Applications for relicensure must

be submitted to the agency at least 90 days before the expiration date of the existing license. Failure to file a timely renewal application will result in a fine of \$75.00 pursuant to Sections 400.5565(1)(b) and 400.557(1), F.S., being assessed against the center.

(7) No change.

Specific Authority 400.562 FS. Law Implemented Ch. 400, Part V, 400.557 FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, Amended \_\_\_\_\_.

58A-6.0051 Change of Owner or Operator; Marketing.

(1) through (2) No change.

(3) The transferor shall, prior to agency approval of the change of ownership application, repay or make arrangements to repay any outstanding fine amounts owed the agency pursuant to Section 408.831(2), F.S.

~~(4)~~ (3) If the center’s owner changes operators, the owner or new operator must notify the AHCA within 30 days at the address in subsection (1), and include the completed abuse registry and criminal background check forms.

Specific Authority 400.562, 408.831 FS. Law Implemented Ch. 400, Part V, 408.831 FS. History—New 11-9-95, Amended 3-29-98, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003. Appendix A of the handbook contains the procedure codes and payment groups in effect for dates of service beginning on July 1, 2003. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 10:00 a.m., August 25, 2003

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, July 2003 January 2002, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, \_\_\_\_\_.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at http://www.dep.state.fl.us/ under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Board Certification Course Requirements and Course Approval

RULE NO.: 64B12-14.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Board Certification Course Requirements and Course Approval.

SPECIFIC AUTHORITY: 484.002(6), 484.005(4) FS.

LAW IMPLEMENTED: 484.002(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Board Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE, EFFECT AND SUMMARY: The proposed amendment revises the guidelines and forms for the State Aid to Libraries Grant Program. Guidelines for this grant program are outlined in the application packet that contain information on eligibility requirements, types of grants, application procedures, application review procedures, grant administration procedures, and application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14-.25 FS.

LAW IMPLEMENTED: 257.14-.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED BY 5:00 P. M. (EST), TUESDAY, AUGUST 26, 2003, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m. (EST), Tuesday, September 2, 2003

PLACE: Florida State Records Center, Training Room, 4319 Shelfer Road, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2) No change.

(a) The State Aid to Libraries Grant Guidelines and Application (~~Form DLIS/SA01~~), effective 4-1-98, Amended 11-20-01, Amended \_\_\_\_\_, which contain guidelines and application forms, State Aid to Libraries Grant Application – ~~Single County Library (Form DLIS/SA02), effective 4-1-98; State Aid to Libraries Grant Application – Single County or Participating Library (New) (Form DLIS/SA02a SA01), effective 4-1-98, Amended \_\_\_\_\_~~; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA03 SA02), effective 4-1-98, Amended \_\_\_\_\_; ~~State Aid to~~